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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,061	08/29/2001	Bobby Hu	2186-00501(DVF)	8157
23505	7590	11/02/2005	EXAMINER	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			SHAKERI, HADI	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,061

Applicant(s)

HU, BOBBY

Examiner

Hadi Shakeri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-25, 40, 41, 57 and 59-67 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-25, 40, 41, 57 and 59 is/are allowed.
- 6) ☒ Claim(s) 60-67 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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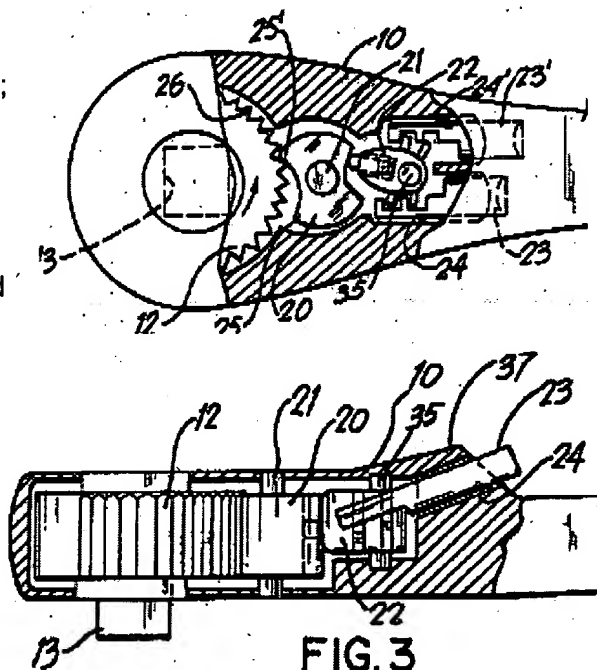
DETAILED ACTION***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 60, 62, 63, 66 and 67-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deibert (4,336,728) in view of either Rozmus or Kress.

Deibert discloses all the limitations of claim 60, i.e., a handle; a head extended from the handle; a cavity (accommodating the pawl) disposed in a web between the handle and the head; a compartment (accommodating the switch) disposed in the web having one end communicated with the pawl and a second end communicated with outside (through opening accommodating 23), thereby leaving a bridge (37) in the web; a drive member (12) rotatably mounted in the head, with the drive member including a



plurality of teeth formed on an outer periphery thereof (26); a pawl (20) including a first side with a plurality of ratchet teeth (25, 25') for releasably engaging with the teeth of the drive member, with the pawl further including a second side with a recess (26); a rotatable switch member (22, 23) including a turn-piece (23) for manual operation and an actuating plate (22) extended from the turn-piece, the switch member being switchable between two positions for changing

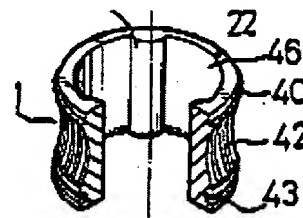
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ratcheting direction of the drive member, with the actuating plate of the switch member including a first receptacle (32) that faces the recess of the pawl and that has a first end wall; an elastic element (31); and a peg (30), with the peg having a first end movably received in the recess of the pawl and a second end, with the second end of the peg being received in the first receptacle, with the peg and the elastic member being rotatable with the actuating plate and biasing the ratchet teeth of the pawl to engage with the teeth of the drive member, except for the peg to include a second receptacle with a second end wall, with the elastic element located in the first and second receptacles between the first end wall and the second end wall. Rozmus and Kress each, teaches a spring loaded plunger in which the peg or the plunger has a receptacle accommodating the spring. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of Deibert with the spring loaded plunger as taught by either Rozmus or Kress for ease of assembly.

Regarding claims 62, 63, 66 and 67-69, Deibert as modified by either Rozmus or Kress meets the limitations, i.e., (Fig. 3); plate extending parallel to the axis of rotation, i.e., a direction defining its thickness; receptacle being defined within the peg; web having a cavity (accommodating pawl 20) having walls against which pawl engages at each driving position.

3. Claims 61, 64 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior art (Deibert in view of either Kress or Rozmus) as applied to claim 60 above, further in view of Chow.

Prior art as applied to claim 60, meets all the limitations of claim 61, except for the drive member to be a recessed gear wheel. Chow teaches a ratchet wrench with a recessed gear wheel. It would have



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been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the modified tool of prior art with a gear wheel as taught by Chow to adapt the tool for with a recessed gear wheel for engaging with the like fasteners.

Regarding claims 64 and 65, PA meets the limitations, i.e., first annular groove (28), a second annular groove (43), and a C-clip (44).

Allowable Subject Matter

4. Claims 21-25, 40, 41, 57 and 59 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: an elastic member having a first end disposed with the first receptacle and a second end attached to the rotatable switch member (embodiment of, e.g., Fig. 3) in view of approved TD places these claims in condition for allowance.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Double Patenting

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 60-67 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 6 and 14 of copending Application No. 10/751,722 in view of either Rozmus or Kress and Chow as indicated above.

This is a provisional obviousness-type double patenting rejection.

Response to Arguments

9. Applicant's arguments with respect to claims 21-23, 41 and 57-59 have been considered but are moot in view of the new ground(s) of rejection. However, with regards to a bridge in the web, Dilbert as indicated above discloses the bridge, i.e., (37).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 571-272-4495. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Hadi Shakeri', with a stylized flourish extending to the right.

Hadi Shakeri
Primary Examiner
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October 28, 2005